

1 BILL NO. 92-05-10

2 GENERAL ORDINANCE NO. G-28-92

3 AN ORDINANCE REPEALING
4 THE PROHIBITION AGAINST
5 PLEDGING REVENUE FROM THE
6 COUNTY OPTION INCOME TAX
(C.O.I.T.).

7 WHEREAS, in 1989, the Common Council adopted an
8 Ordinance No. G-16-89, which prohibits the pledging of
9 revenue from the County Option Income Tax (C.O.I.T.);

10 WHEREAS, a need now exists to borrow money to
11 complete certain neighborhood capital improvement
12 projects;

13 WHEREAS, Ordinance No. G-16-89 could be
14 interpreted as prohibiting the use of future C.O.I.T.
15 revenues to repay any such borrowing;

16 WHEREAS, to avoid any confusion, Ordinance No.
17 G-16-89 should be repealed.

18 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
19 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

20 SECTION 1. City of Fort Wayne Ordinance No. G-
21 16-89, a copy of which is attached hereto as Exhibit "A,"
22 is hereby repealed.

23 SECTION 2. That this Ordinance shall be in
24 full force and effect from and after its passage and any
25 and all necessary approval by the Mayor.

26 Charles R. Edwards
27 Council Member

28 APPROVED AS TO FORM
29 AND LEGALITY

30 J. Timothy McCaulay
31 J. Timothy McCaulay, City Attorney

32

1 Bill No. G-89- 06-17 11-16-87

2

3 GENERAL ORDINANCE NO. G-89- _____

4 AN ORDINANCE PROHIBITING THE CITY OF FORT WAYNE
5 FROM PLEDGING REVENUE FROM THE COUNTY OPTION
6 INCOME TAX (C.O.I.T.) FOR A BOND ISSUE

7 WHEREAS, the Common Council of the City of Fort
8 Wayne upon the initiation of the Mayor of the City of Fort
9 Wayne, and as a member of the County Income Tax Council,
10 recently proposed an ordinance to the County Income Tax
11 Council establishing for the first time, a County Option
12 Income Tax (C.O.I.T.); all pursuant to the terms of Indiana
13 Code §6-3.5-6-1, et seq.; and

14 WHEREAS, within the context of said statute, a
15 County Income Tax Council is established for each County in
16 the State of Indiana, the membership of which consists of
17 the fiscal body of the County, and the fiscal body of each
18 city or town that lies either partially or entirely within
19 the County; and

20 WHEREAS, utilizing procedures described in said
21 chapter of the Indiana Code, a County Income Tax Council may
22 adopt ordinances to, impose the County Option Income Tax
23 Council in its County, rescind the County Option Income Tax
24 in its County, increase the County Option Income Tax for the
25 County, freeze the County Income Tax for its County, or
increase the homestead credit in its County; and

26 WHEREAS, by the terms of Indiana Code §6-3.5-6-12
27 the County Option Income Tax imposed by the County Income
28 Tax Council under that chapter of the Indiana Code remains
29 in effect until rescinded; and

30 WHEREAS, pursuant to the terms of Indiana Code
31 §6-3.5-6-12, the County Income Tax Council of a County may
32 rescind the County Option Income Tax by passing an ordinance
to rescind the tax after January 1st but before June 1st of
the year; and

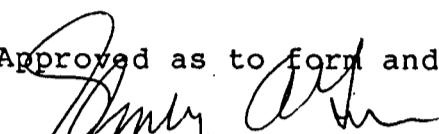
1 County Option Income Tax for any purposes permitted by I.C.
2 §5-1-14, or any other statute.

3 Section 2.. That this ordinance shall be in full
4 force and effect from and after its passage and signing by
5 the Mayor.

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7 Councilmember

8 Approved as to form and legality:

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10 Stanley A. Levine
11 Legal Advisor to the City of Fort Wayne

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Read the first time in full and on motion by Schmidt,
seconded by Edmonds, and duly adopted, read the second time by
title and referred to the Committee on _____ (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Common Council Conference Room 128, City-County
Building, Fort Wayne, Indiana, on _____, the _____, day
of _____, 19_____, at _____ o'clock M., E.S.T.

DATED: 5-26-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Schmidt,
seconded by Edmonds, and duly adopted, placed on its passage.
PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
<u>TOTAL VOTES</u>	<u>4</u>	<u>2</u>		<u>1</u>
<u>BRADBURY</u>				<u>✓</u>
<u>EDMONDS</u>	<u>✓</u>			
<u>GiaQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>		<u>✓</u>		
<u>LUNSEY</u>	<u>✓</u>			
<u>RAVINE</u>	<u>✓</u>			
<u>SCHMIDT</u>		<u>✓</u>		
<u>TALARICO</u>	<u>✓</u>			

DATED: 6-9-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 6-28-92
on the 9th day of June, 1992

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Thomas P. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 10th day of June, 1992,
at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of June,
1992, at the hour of 4:00 o'clock P.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE MAYOR'S OFFICE

SYNOPSIS OF ORDINANCE REPEALS PROHIBITION AGAINST PLEDGING FUTURE
C.O.I.T. REVENUES.

6-92-05-10

EFFECT OF PASSAGE FUTURE C.O.I.T. REVENUES COULD BE PLEDGED ON A
CASE-BY-CASE BASIS.

EFFECT OF NON-PASSAGE NO DIRECT FISCAL IMPACT.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \$1.1 MILLION

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. G-92-05-10

REPORT OF THE COMMITTEE ON
THE COMMITTEE OF THE WHOLE

DONALD J. SCHMIDT, CHAIR
CLETUS R. EDMONDS, VICE CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON THE COMMITTEE OF THE WHOLE TO WHOM WAS REFERRED AN (ORDINANCE) (RESOLUTION) REPEALING THE PROHIBITION AGAINST PLEDGING REVENUE FROM THE COUNTY OPTION INCOME TAX (C.O.I.T.)

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Sam J. Toland

ODS
John J. Kline
John J. Kline
John J. Kline
George J. Capito
Howard Long
Neil Charkiewitz
C. R. Edmonds

DATED: 6-5-92

Sandra E. Kennedy
City Clerk